

oath of office, which was administered to him by Associate Justice John H. Sharp of the Supreme Court; and he also affixed his signature to the official oath, Justice Sharp attesting same with the great seal of the Commonwealth of Texas.

The Speaker of the House presented Hon. Will D. Pace, President Pro Tempore of the Senate, who in turn presented Hon. Walter F. Woodul to the joint session and the assemblage.

Lieutenant Governor Woodul then addressed the joint session and the assemblage.

Hon. James V. Allred, Governor-elect, at the request of the President Pro Tempore of the Senate, came forward and took the constitutional oath of office, which was administered to him by Associate Justice John H. Sharp; and he also affixed his signature to the official oath, Justice Sharp attesting same with the great seal of the Commonwealth of Texas.

The President Pro Tempore of the Senate presented Hon. Pat M. Neff, who in turn presented Hon. James V. Allred to the joint session and the assemblage.

Governor Allred then addressed the joint session and the assemblage.

The President Pro Tempore of the Senate announced that the business of the joint session had been concluded; and the Senate, at 12:30 o'clock p. m., repaired to the Senate Chamber.

In the Senate.

The Senate was called to order by the President Pro Tempore.

Adjournment.

On motion of Senator Rawlings, the Senate, at 12:45 o'clock p. m., adjourned until 2:00 o'clock p. m. tomorrow.

APPENDIX.

Reports of Standing Committees.

Committee Room,
Austin, Texas, Jan. 18, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 72 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room.

Austin, Texas, Jan. 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 5 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

SIXTH DAY.

(Wednesday, January 20, 1937.)

The Senate met at 2:00 o'clock p. m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called, and the following Senators were present:

Aikin.	Newton.
Brownlee.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.

The following Senators were absent and excused:

Beck.	Spears.
Collie.	Woodruff.
Oneal.	

The invocation was offered by the Chaplain.

The reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Aikin.

Leaves of Absence Granted.

Senator Beck was granted leave of absence for today, on account of illness, on motion of Senator Burns.

Senator Woodruff was granted leave of absence for today and the remainder of the week on account of important business, on motion of Senator Isbell.

Senator Spears was granted leave of absence for today, on account of important business, on motion of Senator Aikin.

Senate Bills on First Reading.

The following Senate bills were introduced; read severally first time, and referred by the President Pro Tempore to appropriate committee, as follows:

By Senator Burns:

S. B. No. 82, A bill to be entitled "An Act amending Section 1, Chapter 314, General Laws of the State of Texas, Forty-first Legislature, Regular Session, as amended by Chapter 24 of the General Laws of the Second Called Session thereof, and Chapter 227, Acts of the Regular Session of the Forty-second Legislature, 1931, so as to hereinafter provide that motor carriers and motor vehicles subject to jurisdiction of the Railroad Commission shall be those operating for compensation and hire and providing that the term 'compensation and hire' shall not include vehicles transporting goods owned by the owner of such vehicle."

Referred to Committee on State Highways and Motor Traffic.

By Senator Shivers:

S. B. No. 83, A bill to be entitled "An Act providing for the protection of the public health; defining certain terms used in the Act; authorizing the State Health Officer to define and fix the specifications for certain grades of milk and milk products as defined in the Act; authorizing the State Health Officer and his representatives to supervise and regulate the labeling of milk and milk products; enabling cities and counties to require all milk sold within their boundaries to be graded and labeled; forbidding the use of certain grade labels except under certain conditions and providing penalties and remedies for violation of said provision; forbidding the use of grade labels or other designs or device misrepresenting the contents of any container of milk or milk products; providing remedies and penalties for the enforcement of this Act; provided that if any portion of the Act be held inoperative or invalid the remainder of the Act shall be unaffected thereby and declaring an emergency."

Referred to Committee on Public Health.

By Senator Shivers:

S. B. No. 84, A bill to be entitled "An Act to provide, with approval of

court the purchase by guardian of life insurance and/or annuity contracts for benefit of his or her ward; and further amending Article 4180 of the Revised Civil Statutes of the State of Texas, 1935, Acts 1929, Forty-first Legislature, Chapter 305, page 684, paragraph 1, relating to the investment of surplus funds of ward in the hands of guardians, or loan same, designating certain investments that may be made, and declaring an emergency."

Referred to Committee on Insurance.

By Senator Neal:

S. B. No. 85, A bill to be entitled "An Act providing for the licensing of all persons before engaging in the business of handling perishable agricultural commodities as defined in this Act, whether as a commission merchant, dealer, broker or as agent of any commission merchant, dealer, or broker; defining certain terms as used herein; providing manner of settlement by licensees with producer, seller or owner; providing that all contracts between dealers and owners, sellers or producers, shall be in writing and providing time and manner of settlement, making it unlawful for any person to engage in business as a commission merchant, dealer, broker or as an agent of any commission merchant, dealer, or broker without first complying with the terms and provisions of this Act; prescribing the duties of the commissioner under this Act; providing for applications for licenses under this Act and for the contents thereof; providing for license fees to be paid by licensees under this Act and for the granting of licenses and the duration thereof; providing for the cancellation of licenses for violation of this Act; providing for the depositing of license fees with the State Treasurer in a special fund to be known as the Agricultural Protective Act Fund and providing the purpose for which such funds may be used; providing for the investigation and filing of complaints by the commissioner and/or his agents against violators of this Act; providing for the holding of hearings by the commissioner on such complaints and for the commissioner's powers and authority in connection with such hearing; pro-

viding for cancellation or suspension of licenses and providing for appeal to courts of competent jurisdiction for revision of any order entered by the commissioner; providing for accurate records of accounts to be kept and furnished by licensees under this Act to consignors, producers and/or their agents; providing for the powers and authority of the commissioner in all matters pertaining to violations of the provisions of this Act; fixing penalties for violators of this Act; providing for bonding licensees under this Act and for fixing the amount of said bond and the terms, conditions and requirements thereof; providing for recovery on said bonds in the event of violation thereof under this Act and fixing the venue of all suits arising thereunder; providing for exemption of retailers as defined in this Act; providing for the exemption of cooperative organizations as defined herein from the terms of this Act; providing for the exemption of persons buying farm products for the purpose of reselling the same in dried, canned or other preserved form; providing for the exemption from the provisions of this Act of all growers who handle and market their own fruit individually; providing that it shall be the duty of the commissioner, his agents and employees to assist in the apprehension and punishment of violators of this Act; providing for the regulation of buying, selling and handling perishable agricultural commodities to prevent unfair trade practices and in a manner which will assure the protection of producers and licensees as herein defined; providing that it shall be unlawful for any person to engage in the business of handling farm products within this State unless and until such person has fully complied with the provisions of this Act; making the adoption of this Act contingent upon its acceptance by individual counties within the State and providing the manner of its adoption by such counties; providing for the validity of remainder of this Act if any portion of the same be declared unconstitutional and declaring an emergency."

Referred to Committee on Agricultural Affairs.

By Senator Holbrook:

S. B. No. 86, A bill to be entitled "An Act making an appropriation of

the sum of Thirty Thousand Dollars (\$30,000.00) out of any funds in the State Treasury, not otherwise appropriated, for the purpose of erecting a suitable Mausoleum or Monument for the remains of the heroes of the Alamo, and declaring an emergency."

Referred to Committee on Finance.

By Senator Westerfeld:

S. B. No. 87, A bill to be entitled "An Act amending Chapter II of Title 49 of the Revised Civil Statutes of 1925 by adding thereto a new article to be known as Article 2688c, fixing the qualifications of persons voting at any election for the office of county superintendent of schools in counties having a population of more than 320,000 and less than 350,000 and fixing the qualifications for the office of county superintendent of schools in such counties and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Privileges and Elections.

Senate Bill No. 55.

Senator Weinert moved that the constitutional rule limiting consideration and passage of bills by the Senate during the earlier days of the Regular Session of the Legislature be suspended to allow consideration and passage by the Senate of S. B. No. 55 at this time.

The motion prevailed by the following vote:

Yeas—26.

Aikin.	Newton.
Brownlee.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.

Absent—Excused.

Beck.	Spears.
Collie.	Woodruff.
Oneal.	

The President Pro Tempore then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 55, A bill to be entitled "An Act to amend Section 1 of Chapter 144, Acts Regular Session of the Forty-fourth Legislature, page 383, of the compiled laws of said session, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 55 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26.

Aikin.	Newton.
Brownlee.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.

Absent—Excused.

Beck.	Spears.
Collie.	Woodruff.
Oneal.	

The President Pro Tempore then laid S. B. No. 55 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24.

Aikin.	Newton.
Brownlee.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Head.	Roberts.
Hill.	Shivers.
Holbrook.	Small.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.

Nays—2.

Burns.	Stone.
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Absent—Excused.

Beck.	Spears.
Collie.	Woodruff.
Oneal.	

Senate Bill No. 44.

Senator Aikin moved that the constitutional rule limiting consideration and passage of bills by the Senate during the earlier days of the Regular Session of the Legislature be suspended to allow consideration and passage by the Senate of S. B. No. 44 at this time.

The motion prevailed by the following vote:

Yeas—26.

Aikin.	Newton.
Brownlee.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.

Absent—Excused.

Beck.	Spears.
Collie.	Woodruff.
Oneal.	

The President Pro Tempore then laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 44, A bill to be entitled "An Act validating, confirming, approving and legalizing all proceedings had by cities and towns, including home rule cities, in the issuance and sale of bonds, and in holding elections passing orders, ordinances and resolutions authorizing the issuance of such bonds, and further validating all proceedings in voting and authorizing the issuance of bonds heretofore authorized, but not yet issued and sold, prescribing the terms and conditions upon which such bonds shall be validated; providing that this Act shall not apply to any such proceedings, obligations issued thereunder, the validity of which has been contested or attacked in a pending suit or litigation, and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following (committee) amendment to the bill.

Amend S. B. No. 44 by substituting the following in lieu of Section No. 1 of the bill:

"Section 1. All bonds voted by cities or towns where the only defect is the giving of notice of the election for more than thirty days but not more than 60 days are hereby validated."

Senator Moore offered the following substitute for the (committee) amendment:

Amend S. B. No. 44 by substituting in lieu of Section No. 1 of said bill the following:

"Section 1. All bonds heretofore authorized by the necessary vote of the qualified voters of all cities of more than five thousand (5,000) population and all bond elections held in such cities for the purpose of voting such bonds wherein the necessary majority of the voters voted in favor thereof are hereby validated insofar as any irregularities in following the requirements of the provisions of the general law with regard to the time said elections were held are concerned; and irregularities in following the requirements of city charters as to time in the calling and holding of such elections shall not in any manner affect the validity of said bonds, but same shall, if otherwise valid, when approved by the Attorney General and registered by the Comptroller of Public Accounts and sold for not less than par and accrued interest, be a valid subsisting indebtedness of said cities."

The substitute was adopted.

The amendment as substituted was adopted.

Senator Aikin offered the following (committee) amendment to the bill:

Amend the caption of S. B. No. 44 to conform to the body of the bill as amended.

The (committee) amendment was adopted.

The bill as amended was then passed to engrossment.

Senator Aikin moved that the constitutional rule requiring bills to be

read on three several days be suspended and that S. B. No. 44 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26.

Aikin.	Newton.
Brownlee.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.

Absent—Excused.

Beck.	Spears.
Collie.	Woodruff.
Oneal.	

The President Pro Tempore laid the bill before the Senate on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26.

Aikin.	Newton.
Brownlee.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.

Absent—Excused.

Beck.	Spears.
Collie.	Woodruff.
Oneal.	

Senate Bill No. 88 on First Reading.

By unanimous consent, Senator Davis introduced at this time, for its author, the following bill:

By Senator Beck:

S. B. No. 88, A bill to be entitled "An Act to amend Article 2355 of

the Revised Statutes of 1925, so as to authorize the commissioners' court of any county, in case of the inability of the regularly elected county judge to perform the duties of his office, or in case of his absence from the county for a period of Ten (10) days, to appoint some person qualified under the law to be elected to the office of county judge, to serve as county judge during the disability or absence of the regularly elected county judge, and during such time, to have and exercise all of the powers of the duly elected county judge of such county, and to provide for the compensation of the person selected; repealing all laws or parts of laws in conflict herewith and declaring an emergency."

The bill was read first time.

Senator Small moved that the bill be referred to the Committee of the Whole Senate and that the Senate recess and resolve itself into the Committee of the Whole for the purpose of consideration of the bill in committee.

Senator Van Zandt moved that the constitutional rule limiting consideration of bills by committees during the earlier days of the Regular Session of the Legislature be suspended to allow consideration by the Committee of the Whole of S. B. No. 88 during the first 30 days of the session.

The motion prevailed by the following vote:

Yeas—26.

Aikin.	Newton.
Brownlee.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.

Absent—Excused.

Beck.	Spears.
Collie.	Woodruff.
ONeal.	

Question then recurring on the motion of Senator Small, it prevailed;

and the Senate accordingly, at 1:30 o'clock p. m., resolved itself into the Committee of the Whole.

The Senate was called to order, as in legislative session, at 2:45 o'clock p. m. by the President Pro Tempore.

The report of the Committee of the Whole on Senate Bill No. 88 was received.

Senator Rawlings moved to recommit S. B. No. 88 to the Committee on Civil Jurisprudence.

The motion prevailed.

Adjournment.

On motion of Senator Shivers, the Senate, at 2:50 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

Report of Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Jan. 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 55 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Report of Committee of the Whole.

Senate Chamber,

Austin, Texas, Jan. 20, 1937.

Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: We, your Committee of the Whole, to whom was referred S. B. No. 88, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it be referred to the Committee on Civil Jurisprudence.

PACE, Chairman.

SEVENTH DAY.

(Thursday, January 21, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called, and the following Senators were present: